

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARD OF TRUSTEES OF THE
AUTOMOTIVE MACHINISTS
PENSION TRUST,

Plaintiff,

v.

PENINSULA TRUCK LINES, INC.,

Defendant.

NO. 2:21-cv-00064-MJP

STIPULATED MOTION AND ORDER
FOR SUPPLEMENTAL BRIEFING

NOTE ON MOTION CALENDAR:
September 29, 2021

I. STIPULATION

Plaintiff Board of Trustees of the Automotive Machinists Pension Trust (“AMPT”) and defendant Peninsula Truck Lines, Inc. (“Peninsula”) (AMPT and Peninsula collectively, “the Parties”) request that the Court allow additional briefing to address a recent decision in *Association Services of Washington, Inc. v. Western Metal Industry Pension Fund, et al.*, No. C21-0427JLR, 2021 WL 4367434, (W.D. Wash. Sept. 24, 2021) (“the *ASW* Decision”) as it bears on the present dispute between the Parties. A copy of the *ASW* Decision is attached for reference.

The *ASW* Decision addresses, in part, whether pre-MPRA rehabilitation contribution rates recited in a collective bargaining (or related) agreement are properly included in

STIPULATED MOTION AND ORDER REGARDING
SUPPLEMENTAL BRIEFING – 1
Cause No. 2:21-cv-00064-MJP

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1 determining a withdrawing employer's highest contribution rate for purposes of determining its
 2 withdrawal liability payment schedule. AMPT believes the *ASW* Decision was correctly
 3 decided and should be persuasive authority for this Court. Peninsula believes the *ASW* Decision
 4 was incorrectly decided and that this Court's resolution of the issue in this case may benefit
 5 from limited additional briefing addressing that decision.

6 The Parties request leave of the Court to file supplemental briefs limited to no more than
 7 six pages. The Parties propose a supplemental brief filing deadline of October 11, 2021, and
 8 that the pending Cross Motions for Summary Judgment be re-noted to October 15, 2021.

9 II. RELIEF REQUESTED

10 Subject to the Court's approval, the Parties stipulate and agree:

- 11 1. The Parties shall be permitted to submit supplemental briefs, limited to six pages,
 12 addressing the *ASW* Decision, to be filed no later than October 11, 2021.
- 13 2. The Parties' Cross Motions for Summary Judgment (Dkt. Nos. 14 & 16) shall be re-
 14 noted from September 3, 2021, to October 15, 2021.

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 STIPULATED MOTION AND ORDER REGARDING
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1 DATED: September 29, 2021

2 BARLOW COUGHRAN MORALES
3 & JOSEPHSON, P.S.

ARETE LAW GROUP PLLC

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6 *Attorneys for Plaintiff Automotive*
7 *Machinists Trust*

Attorneys for Defendant Peninsula Truck
Lines, Inc.

8
9 **ORDER**

10 IT IS SO ORDERED.

11 DATED: September 30, 2021

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14 Marsha J. Pechman
15 United States Senior District Judge
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STIPULATED MOTION AND ORDER REGARDING
SUPPLEMENTAL BRIEFING – 3
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